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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,010	03/20/2001	Patrick Thomas O'Connor	P668D1	7443

24739 7590 07/05/2005

CENTRAL COAST PATENT AGENCY  
PO BOX 187  
AROMAS, CA 95004

EXAMINER
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NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/814,010

Applicant(s)

O'CONNOR ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 5, 2005 has been entered.
2. Claims 35 and 36 are pending in this application.

### ***Response to Arguments/Amendment***

3. This is a RCE of applicant's earlier Application No. 09/814,010. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (DeLorme hereinafter), U.S. Patent No. 5,948,040 in view of Cumming, Jr. et al. (Cummings hereinafter), U.S. Patent No. 6,345,260 B1.

Regarding to claim 35, Delorme discloses an Internet-enabled appointment and reservation service system, comprising:

an Internet-connected appointment/reservation server executing first software (e.g., see column 8, lines 1-3, "*a TRIPS online facility connected to a computer through the Internet.*"); and

one or more subscribing businesses to the service, the businesses each having an Internet-connected appliance executing second software (e.g., see column 14, lines 19-32, "*hosts of participating restaurants, hotels, retail shops...*");

wherein the appointment server, through the first software, presents to browsing clients an interactive interface enabling the clients to select individual ones of the subscribing businesses, and once a subscribing business is selected displays to the

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selecting client an interactive appointment/reservation schedule to select an appointment or reservation with the business (e.g., *the Geographic Subsystems pictured at 221 in FIG.2, at 417 in FIG. 4 and the map display interface 152. Column 48, lines 5-19; e.g., see FIG. 5 and column 48, lines 47-50, "e.g. 'EAT', 'FUN', 'HOTEL', 'CAMP' and 'POLICE'" ).*

DeLorme does not teach that wherein the appointment server updates the appointment/reservation schedule at the server for each business as browsing clients make appointments/reservations, wherein the appointment/reservation server periodically provides updated appointment schedules to the subscribing businesses which are displayed by the second software interactively, allowing the subscribing businesses to further update the appointment reservation schedules and to return them to the appointment/reservation server, which updated versions then becomes the interactive schedules displayed to browsing clients. However, DeLorme discloses that the users can add or alter appointments (e.g., *see column 52, lines 50-55 and column 55, lines 15-19*). Further, Cummings discloses the periodic update of appointments (e.g., *see column 9, lines 60-67*). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Delorme by adopting the teaching of Cummings to better serve the customers while maximizing the profit by utilizing every available income source, i.e., available tickets for performances, flights or cultural events or tables for restaurants.

Claim 36 is written in method claim that contain similar limitations found in claim 35 above, therefore, is rejected by the same rationale.

***Conclusion***

6. Claims 35 and 36 are rejected.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571)-272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
C/o Technology Center 3600  
Washington, DC 20231

Or faxed to:

(703) 872-9306 (for formal communication intended for entry),

or

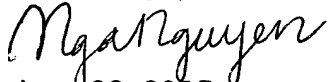
(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

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Hand-delivered responses should be brought to Knox building, 401 Dulany  
Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen

A handwritten signature in cursive script that reads "Nga B. Nguyen".

June 23, 2005